

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

I.K.	:	CIVIL ACTION
BY AND THROUGH HIS PARENT	:	
AND EDUCATIONAL DECISION	:	
MAKER, B.K.	:	
	:	
v.	:	
	:	
THE SCHOOL DISTRICT OF	:	
HAVERFORD TOWNSHIP	:	NO. 10-4397

ORDER

AND NOW, this 21st day of March, 2011, upon consideration of defendant's motion to dismiss and motion for attorney's fees (docket entry # 5), plaintiff's response (docket entry # 6), and defendant's motion for leave to file a sur-reply brief (docket entry # 7), and in accordance with the foregoing Memorandum, it is hereby ORDERED that:

1. Defendant's motion to dismiss and for attorney's fees (docket entry # 5) is GRANTED for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1), and DENIED with respect to the motion for attorney's fees;

2. Defendant's motion for leave to file a sur-reply brief (docket entry # 7) is GRANTED;

3. The Clerk of Court shall DOCKET defendant's sur-reply brief, which is attached to defendant's motion at the second page of its motion;

4. This case is REMANDED to Pennsylvania Special Education Hearing Officer Linda Valentini on the issue of whether a valid settlement agreement exists; and

5. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

___\s\Stewart Dalzell